

Mark C. Mao, CA Bar No. 236165
 Beko Reblitz-Richardson, CA Bar No. 238027
 Erika Nyborg-Burch, CA Bar No. 342125
BOIES SCHILLER FLEXNER LLP
 44 Montgomery St., 41st Floor
 San Francisco, CA 94104
 Tel.: (415) 293-6800
 mmao@bsflp.com
 brichardson@bsflp.com
 enyborg-burch@bsflp.com

James Lee (admitted *pro hac vice*)
 Rossana Baeza (admitted *pro hac vice*)
BOIES SCHILLER FLEXNER LLP
 100 SE 2nd St., 28th Floor
 Miami, FL 33131
 Tel.: (305) 539-8400
 jlee@bsflp.com
 rbaeza@bsflp.com

Amanda K. Bonn, CA Bar No. 270891
SUSMAN GODFREY L.L.P.
 1900 Avenue of the Stars, Suite 1400
 Los Angeles, CA 90067
 Tel: (310) 789-3100
 Fax: (310) 789-3150
 abonn@susmangodfrey.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all similarly
 situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

William Christopher Carmody
 (admitted *pro hac vice*)
 Shawn J. Rabin (admitted *pro hac vice*)
 Steven M. Shepard (admitted *pro hac vice*)
 Alexander Frawley (admitted *pro hac vice*)
SUSMAN GODFREY L.L.P.
 1301 Avenue of the Americas, 32nd Floor
 New York, NY 10019
 Tel.: (212) 336-8330
 bcarmody@susmangodfrey.com
 srabin@susmangodfrey.com
 sshepard@susmangodfrey.com
 afrawley@susmangodfrey.com

John A. Yanchunis (admitted *pro hac vice*)
 Ryan J. McGee (admitted *pro hac vice*)
MORGAN & MORGAN
 201 N. Franklin Street, 7th Floor
 Tampa, FL 33602
 Tel.: (813) 223-5505
 jyanchunis@forthepeople.com
 mram@forthepeople.com
 rmcgee@forthepeople.com

Michael F. Ram, CA Bar No. 104805
MORGAN & MORGAN
 711 Van Ness Ave, Suite 500
 San Francisco, CA 94102
 Tel: (415) 358-6913
 mram@forthepeople.com

Case No.: 4:20-cv-03664-YGR-SVK

**PLAINTIFFS' [PROPOSED] ORDER
 REGARDING PLAINTIFFS'
 OBJECTIONS TO THE SPECIAL
 MASTER'S REPORT AND
 RECOMMENDATION (DKT. 524)**

The Honorable Susan van Keulen
 Courtroom 6 – 4th Floor
 Date: May 3, 2022
 Time: 2:00 PM

[PROPOSED] ORDER ON PLAINTIFFS' OBJECTIONS

Before the Court is the Special Master's Report and Recommendation for a preservation plan (Dkt. 524) (the "Special Master's Report"), as well as the parties' separately filed objections to the Special Master's Report, each filed on April 15, 2022. Having considered the Special Master's Report, and the parties' objections thereto, the Court **ADOPTS** the following aspects of Plaintiffs' Objections:

1. The Special Master's Report establishes that Google did not meet its preservation obligations in this litigation.

2. Google has not met its legal obligation of demonstrating that preservation of a substantially narrowed, relevant subset of records in Google's logs would be unduly burdensome and not proportional to the litigation.

3. A sampling-based preservation plan is not warranted in this matter. Any sampling-based preservation plan would result in unfair prejudice to Plaintiffs and Class Members.

4. Google shall preserve the following for all U.S.-based Google Account holders:

- All sources identified in the Special Master's Report
- The [REDACTED]. Although Google has represented that this log is stored permanently, the Court finds good cause to order that Google continue to preserve all information contained in this log.
- All [REDACTED] for the [REDACTED]
[REDACTED]
[REDACTED].
- All [REDACTED] that could be used to [REDACTED]
[REDACTED]
[REDACTED].

5. Google's preservation of this information shall be required through a final judgment in this matter.

DATED: _____

PLAINTIFFS' [PROPOSED] ORDER RE: OBJECTIONS
Case No. 4:20-cv-03664-YGR-SVK